



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Handwritten signature

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,531	05/31/2000	Shai Mohaban	50325-0085	6019

29989 7590 06/23/2004

HICKMAN PALERMO TRUONG & BECKER, LLP
1600 WILLOW STREET
SAN JOSE, CA 95125

EXAMINER

FERRIS, DERRICK W

ART UNIT	PAPER NUMBER
----------	--------------

2663

DATE MAILED: 06/23/2004

Handwritten number 10

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/586,531

Applicant(s)

MOHABAN ET AL.

Examiner

Derrick W. Ferris

Art Unit

2663

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.


Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: The issue here may be claim interpretation. In particular, how the claims are interpreted in light of applicant's specification and in view of applicant's claim recitations. In short, applicant argues the following two items are at issue: (1) addressing specific network, transport, and next hop/previous hop parameters with respect to initiating an RSVP reservation process and (2) correlating these above-mentioned parameters to a RESV message.

With respect to issue (1), applicant's specification teaches that the RSVP path message may contain traffic flow parameters which include (a) source/destination IP address, (b) (transport) port number, (c) protocol and (d) next hop and previous hop parameters, see e.g., bottom of applicant's specification at page 15. Examiner notes that both the RSVP PATH and RSVP RESV messages contain (1) network parameters and (2) transport parameters as part of (a), (b) and (c) above and as further recited e.g., in applicant's claim 5. Thus the RSVP PATH message received by the proxy server as taught by Gai, see e.g., Section 3, contains elements (1) and (2). In other words, figure 1 in Section 3 (see page 6 of Gai) shows that the Host, Router or Policy may all determine the parameters in the RSVP PATH and RSVP RESV messages where the determining step initiates the RSVP reservation process in some form (i.e., how the RSVP reservation process is initiated is not recited in the claims and further where "determining whether to initiate" and "determining whether to establish" may NOT be equivalent as also recited in the claims). Furthermore, RFC 2205 confirms that elements (a) and (b) are found in the RSVP PATH and RESV messages. However, an important distinction is that a previous hop PHOP is determined in the PATH message and an NHOP is determined in the RESV message as mentioned in sections 3.1.2 and 3.1.3 in reference to RFC 2205 and as further alluded to by applicant at page 19, lines 10-15 of applicant's specification. Thus the RSVP receiver (e.g., an RSVP proxy receiver) must determine an NHOP when transmitting a RESV message while an RSVP sender must determine PHOP. For example, the RSVP proxy of Gai determines (i.e., generates) the NHOP value as part of the RSVP RESV message mentioned in section 4.1. In clarifying the rejection, examiner would like to point out that the examiner assumes a reasonable but broad interpretation of using the parameters to determine whether to initiate an RSVP reservation process. Specifically, determining whether to initiate an RSVP process is determined by sending out an RSVP PATH message and/or an RSVP RESV message. It is the examiner's recommendation that the applicant clean up the claims to clarify which element is performing the steps of determining. In particular, which element is performing determining a PHOP since according to RFC 2205 the sender (and not the (proxy) receiver) determines the PHOP. The examiner also recommends that applicant further clarify what is meant by determining whether to initiate an RSVP reservation process (e.g., determining whether to initiate an RSVP reservation process at an anticipated receiver). If in fact applicant is arguing that the receiver determines the PHOP then examiner notes there may be a 112-first paragraph rejection issue with respect to applicant's specification.

With respect to issue (2) of correlating these above-mentioned parameters to a RESV message, Gai teaches that the policy server makes a determination based on relevant information contained in the PATH message. The policy server then makes a decision as to whether to generate an RESV message based on this received information, see e.g., page 7 of Gia. Since (1) network parameters, (2) transport parameters, and (3) hop parameters are all sent to the policy server, the policy server correlates these parameters to a RESV message. Examiner would like to further point out that all three references also teach monitoring the QoS data where the QoS is part of the RSVP PATH message such that the QoS data is also used to determine whether to initiate an RSVP reservation and further where the QoS data is further correlated with the RESV message..


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 6/21/04